Legal Services Director Mentorship/Exchange Pilot Program

Report to LSC
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Initial Plan:

This plan was developed at a conference sponsored by the Legal Services Corporation entitled “Building Justice Communities: A Conference of Statewide Programs.” The conference was held February 8-9, 2002 in Indianapolis, Indiana for leaders of statewide legal services programs and was, according to LSC, “specifically designed to bring together executive leadership from newly created statewide LSC-funded programs and the experienced leadership of the more historical statewide programs.”

At the conference, LSC staff and several directors of statewide legal services programs discussed the potential benefits of a mentoring/exchange program for new leaders or leaders who would benefit from exposure to other programs. Teresa Cosby, Jon Asher and Adrienne Worthy were enthusiastic about the idea and committed to following up with a proposal to LSC to fund a pilot initiative. After meeting with Bob Gross, LSC Program Officer for State Planning, the group developed a written plan of action. The initial plan’s four goals focused on mentoring, post-merger issues, expanding and supporting state justice communities and potential replication of the model (see attachment A). The goals were to be accomplished through a formal interchange between the directors taking place during three on-site visits to the programs in West Virginia, South Carolina and Colorado. The initial plan was submitted to Bob Gross and subsequently the group received notification of approval of the plan and authority to proceed with the visits.

On-Site Visits:

West Virginia: September 18-20, 2002.

The first on-site visit was the “getting-to-know-each-other-visit.” While all the participants had met at various national conferences, they did not know each other well nor did they have specific knowledge of each other’s programs. The three directors met for dinner the first night, met all day the next day and again for dinner and then for several hours on the third day. The conversations were intense and included the following topics: merger-related problems and solutions; strategic planning; state planning; communication styles and methods; budget size and complexity; management structure; labor management relations; national, regional and local funding issues; pending lay-offs and program deficits; LSC’s State Planning Evaluation Tool and LSC technical assistance visits.

The timing of the visit was particularly critical since during the visit, the union president presented Adrienne Worthy with a formal request for recognition of a statewide legal services union. Ms. Cosby and Mr. Asher were able to offer significant support and advice on labor management relations as well as on management structure and pending lay-offs, which were to be the focus of a difficult board meeting scheduled for the following Saturday, September 21,

2003. Ms. Cosby and Mr. Asher visited the main LAWV office in Charleston and met with program staff and leadership, including an extensive meeting with James Martin, the Legal Director of the West Virginia program. Most of the on-site visit, however, was spent in meetings exchanging information concerning the critical issues facing each of the three programs and advising Ms. Worthy, at her request, on the then current West Virginia crisis as well as discussing common challenges and opportunities.

South Carolina: October 21-23, 2002.

Ms. Cosby drove the directors across the state from east to west, allowing for a full view of many parts of the South Carolina service area and meetings with several key member (stakeholders) of South Carolina's State Justice Community. The three directors met the first night in Charleston, reviewed the on-site visit goals and prepared an informal agenda for the remainder of the visit. The next day was spent traveling across the state viewing rural and hard-to-serve areas and discussing service strategies. The directors visited the Charleston office, the Columbia office and met with Sue Berkowitz, the Director of Appalseed, a provider of "unrestricted" legal services in South Carolina, about staff training and the key role Appalseed plays in developing strategic litigation. The three then met with Faith Rivers, Director of South Carolina's IOLTA program. The focus of the meeting was the work Ms. Rivers has done to increase IOLTA collections (as compared to decreasing revenues elsewhere) including reducing service fees, creating a bank honor roll and using computer software to carefully track collections. The directors drove on to Greenville and met SCCEJ administrative office staff. A lengthy meeting was held with SCCEJ Deputy Director of Litigation. Other topics of discussion among the group included: required LSC reports; state planning and state justice communities; board development and retreats focusing on strategic planning; reductions in LSC funding based on new census data; Private Attorney Involvement programs, structures and services; and program technology.

Colorado: May 7-9, 2003.

Ms. Worthy, who arrived a few hours before Ms. Cosby, had the benefit of viewing a phone-a-thon by private attorneys volunteering for the Legal Aid Foundation of Colorado, which was formed in 1981 as the state wide fundraising organization and arm of the then four federally funded legal services programs in Colorado. After Ms. Cosby's arrival, the three directors met that evening and for an additional one and a half days and, like previous visits, spent time reviewing problems and issues identified previously as well as discussing new issues. Topics for these meetings included: law school partnerships; personnel trouble-shooting; measuring the quality of services; labor management relations; board/director relationships; peer review; senior leadership development and office structures that promote accountability and productivity. The directors spent time discussing the development of their respective "equal justice communities" and coordination of state planning efforts in each state.

The directors met several members of the leadership of the State Bar, including Charles Turner, Executive Director of the Colorado Bar Association, Michael Valdez, Director of Government Relations of the Colorado Bar Association, and Jo Ann Salazar, the Director of Public and Legal Services of the Colorado Bar Association, Jim Rooney, Executive Director of COLTAF (Colorado Lawyer Trust Account Foundation, the state's IOLTA program) and Executive Director of the Legal Aid Foundation of Colorado, and staff members of Colorado Legal Service's Denver office including Manuel Ramos, Deputy Director and Director of Advocacy. The three directors also focused their discussions on accessibility of services to clients and outreach efforts in each state. The directors viewed particularly hard-to-serve Denver neighborhoods and smaller rural communities in the region west of Denver.

The Mentorship Pilot Program focused on four goals as outlined below. While all four goals were a part of the Pilot Program, Goal 3 was the central element of the exchange by necessity and the nature of the issues facing each director at the time. All three statewide programs had recently gone through a merger or consolidation and there was a great need for the directors to process the changes, strategize and discuss both the challenges and opportunities presented by the structural changes in their respective programs.

Goal 1: *To build a model that supports* ***long-term meaningful mentoring relationships****, which are* ***programmatically helpful*** *and* ***personally fulfilling*** *for* ***statewide legal services program leadership****.*

Long-term mentoring relationships – The three directors discussed their personal need to have trusted and knowledgeable colleagues to whom they could turn for problem-solving, brainstorming and mutual support.

The three on-site visits and periodic conference calls before and after the visits provided an opportunity for structured and formal interchange almost always with a negotiated agenda based on each director's needs. Through both formal and less formal exchanges, the directors have come to think of each other as a helpful, if not essential, resource. Despite very busy schedules and constant demands on the directors' time, the three directors have come to depend on each other, to be accessible to each other and to be readily available to each other. While none of the three directors know the other programs as intimately as they would like, each has become sufficiently knowledgeable to be able to understand the most critical challenges facing the other two. The accessibility and support has been essential to the success of the Pilot Program and the most enriching aspect of the initiative.

Goal 2: *To determine whether this model is effective and can be* ***replicated effectively*** *and* ***efficiently*** *by* ***others****.*

The three directors believe that the model could be effectively replicated for other statewide legal services directors, would be beneficial to the individual directors, would benefit programs and their management and operations and would help sustain, support and improve program leadership nationwide. While the very positive, strong and lasting personal and professional relationships developed among the three directors who participated in the Pilot Program may not be replicated in every such initiative, the opportunity to inform and enrich each other can be provided to other directors by LSC at a modest, but essential, financial cost. Support for on-site visits and the opportunity for such relationships to develop could be effectively replicated. There appears to be virtually no downside to the initiative, and the potential for very significant benefits at a quite moderate cost and investment of LSC resources should be considered and pursued.

Goal 3: *To help directors* ***understand*** *and* ***effectively address critical post-merger issues.***

- **Service delivery** - When Executive Directors from different states convene at regional or national meetings, it becomes clear that there are common issues facing those responsible for the delivery of legal services to the poor. The Pilot Program provided an opportunity for each of the three directors to view first hand the similarities and differences each state faces in providing services to its clients through statewide programs and in helping to shape a state justice community.

Large numbers of low-income **West Virginians** live in family clusters in "hollers" (where a mountain ends). These clients often present with dramatic legal issues but are very difficult to reach due to isolation, clan issues, distrust and control issues by other family members. Just as important is the fact that West Virginia has a road system that often prevents an advocate from physically getting to a client community. While driving through South Carolina, Ms. Worthy expressed amazement at the ease of travel on South Carolina's straight roads since such a road system did not exist in her state. From this question a discussion arose of how to reach isolated client populations and what other tools and techniques could be developed to better serve hard to reach clients.

Colorado has large, sparsely populated rural areas and vast mountainous areas that present very difficult delivery issues. The geography of the state is a challenge to staff development and program wide communications. Strategies were discussed and developed to address and alleviate these serious issues.

South Carolina is a state where all of it offices can be reached easily by car; however, the number of offices (14) make it difficult for senior management to visit each office frequently and develop relationships with staff on a meaningful level. Also, South Carolina is a small state but with very distinct geographical regions which create tensions that must be bridged. Strategies were discussed regarding staff visits, communication tools and techniques and initiatives to effectively bridge historic regional divides.

- **<u>Office Structure</u>** - The three directors visited offices in each state and reviewed each program's office patterns and structures. The discussions focused on office location and whether offices were structured and located in such a way as to allow reasonably equal access for clients throughout the state.

West Virginia's board of directors was examining the management structure (newly created through the merger) in light of impending lay-offs due to funding losses. The directors spent considerable of time analyzing West Virginia's management team, comparing it to other programs and evaluating ratios of staff to management, cost per manager and effective coverage and supervision of the program's eleven offices. The directors paid particular attention to the supervision of the West Virginia program's field offices since the regional counsel model used in West Virginia differed greatly from the supervision models used in South Carolina and Colorado.

South Carolina has fourteen offices scattered across the state. An opportunity to equalize distribution occurred when two of the five programs did not merge into the state program. However, the program must still address a pattern where some offices are only 30 to 40 miles away from each other, one office is not located within the vicinity of a courthouse and some areas of the state may not be effectively served by a local office at all.

Colorado, by comparison to West Virginia and South Carolina, is a very large state with a large urban corridor, sparsely populated high plains and vast mountain areas. The program, since consolidation, has maintained large offices and very, very small ones, including offices with only a part time pro bono coordinator. Colorado Legal Services confronts difficult service issues and provided an interesting contrast to the relative uniformity in office structure utilized in the West Virginia and South Carolina programs.

- **<u>Staff Issues After a Merger</u>** – The directors identified staff motivation, staff morale and resistance to change as critical issues facing each program after the merger or consolidation.

At the time of the first visit, **West Virginia** was in the middle of complex union negotiations. Two programs merged in West Virginia -- one unionized and one non-union. **Colorado** is also a unionized program. Labor management negotiations were creating staff morale issues. The Pilot Program allowed the three directors to discuss the challenges each program faced relative to labor management negotiations and to develop potential outcomes that would benefit both staff and management. One of the focuses of the discussion was the fact that the union in West Virginia was demanding that the director lay-off administrative staff, which already seemed to be far too thin. The three directors helped develop best outcomes and focused on developing support for the administration's needs. The strategies proved helpful in achieving a positive outcome.

South Carolina faced and still continues to face the difficult task of merging five distinct corporate cultures, navigating work with a partisan board and addressing contentious issues with the Legal Services Corporation. The directors shared strategies for increasing staff motivation, a variety of communications tools and techniques, consultants who might effectively assist the program, initiatives to improve board relations and to provide appropriate and necessary support. These discussions helped to develop continuing strategies for addressing and improving staff morale.

Colorado is the oldest (October, 1999) of the merged programs and offered the unique perspective of the continuing development needed for staff. The issues discussed included ongoing labor management negotiations, salary equalization, a possible loan repayment program, recruitment and retention tools and retrenchment policies. The three directors exchanged personnel policies, personnel manuals, policies and procedures manuals, incentive programs, communications tools and materials, annual reports, staff evaluation tools and other related documents.

Another staff issue common to the three programs was resistance to change and apparent staff entrenchment. All three directors shared similar stories and experiences of staff resistance to the merger or consolidation and then resistance to the effective operation of the new entity. These discussions reinforced a vision for more positive outcomes. Successes and failures of staff retreats and statewide staff meetings were shared. Documents that seemed to help the program begin to move forward were also shared. The three directors discussed the process of change and how, for many staff, the emotions were similar to people who go through a divorce or other significant personal loss. The directors discussed various methods designed to overcome resistance to change while ensuring that client services did not suffer. There was also recognition, however, that while staff went through this difficult process, clients frequently paid a price because staff attention was not uniformly focused on client service. The directors discussed and concluded that the job of managing a merging or merged statewide program was more difficult than directing their former program and discussed tools and techniques to maintain personal and professional balance and perspective during this demanding period.

- **<u>Labor management Issues</u>** - Employment issues relating to unionized and non-unionized employees were discussed. As described above, two of the directors manage unionized programs (Colorado and West Virginia). South Carolina is a non-unionized program. This dichotomy provided an opportunity for an interesting dialogue distilling the similarities and differences of managing a unionized and non-unionized program.

Unionized programs create complex labor management negotiation scenarios that present challenges to program management. Unionized programs may put management in a position where it is difficult to develop a true sense of team with staff. The structure is formal and requires good faith bargaining to balance staff demands and maximum client services.

In non-union programs, the collective bargaining agreement is replaced by program policies and manuals almost always developed by the board of directors with far less to very little staff input. This process makes the board's role more influential in a non-unionized program because these policies and manuals are often not contracts and are subject to change at the discretion of the board.

- **Staff Communications** - The three directors, after discussion, concluded that positive staff communications were necessary to successfully implement a true merger of a statewide program. It was also recognized by the directors, however, that by becoming larger both in staff size and geography, communications were more difficult than ever. The directors discussed their communications tools both pre and post merger and their plans and proposed techniques for improving communications within their programs.

Three common themes were developed from the discussions: 1) The need for regular staff communications through viable and effective methods including e-mail, conference calls, newsletters, etc; 2) The need (but time required) for face-to-face visits with local office staff by the director; 3) The need (but expense) for regular program-wide meetings.

The directors also discussed the challenges of meeting the insatiable need for communications and information expressed by program staff. Administrative tasks often keep the director in the office and affects his/her ability to visit local offices. The process of merging or consolidating programs takes a toll on many directors who forgo vacations for long periods of time, shrinking budgets do not allow for effective program-wide meetings to allow staff the opportunity to meet and become familiar with their new colleagues. Communications are critical, but the obstacles are realistic concerns. Both the need for effective communications and techniques to obviate the obstacles to achieving effective communications were discussed at length and various tools and techniques were shared during and after each visit.

- **Building and matching effective teams** - Each director described in detail their management structure and their efforts to develop a sense of team and the effectiveness of these teams. The directors discussed the challenges of developing effective teams when they are sometimes structured and selected not by the director, but by former and current boards (political forces). This issue presents a distinct challenge for the board and management, especially if performance becomes an issue within the management team. The directors shared strategies to reduce these problems including the use of consultants or a personnel committee of the board of directors.

The directors discussed the strengths and weaknesses of each management team but focused considerable attention on South Carolina's management team which consisted of an Executive Director, 4 Deputy Directors and 14 Managing attorneys. This structure appeared to the directors to be somewhat large and possibly overstaffed for a program of 150 employees. The discussion centered on the history and the development of this structure as having been necessary to obtain the needed "buy-in" to effectuate the merger of the five former LSC funded South Carolina programs. This structure, however, raised questions of efficiency and cost that the program should address. The South Carolina structure highlighted the political factors that lead to a management team structure in newly merged programs that may not meet the long term needs of the program. The directors thought that the management structures in West Virginia and Colorado, conversely, may be too lean to effectively meet long term program needs.

- **Critical post-merger program issues** - The directors discussed the organizational structure of their programs, as well as the structure of their state justice communities as a whole. These structures were compared for effectiveness, efficiencies, economies of scale and current and developing issues.

The question was asked, "Do we have the right structure?" The **West Virginia** structure is comprised of an Executive Director and a Legal Director who manages two regional counsel who manage and are responsible for the work of five offices each. This structure seems to work well for the program, providing consistency and statewide focus during the critical post-merger time. Challenges remain in supporting the regional counsel as they cover very large geographic areas and a large number of staff.

As described above, **South Carolina** has a structure that seems to have emerged as a political necessity. The director was not free to choose her deputies and hence has a management team that may not be uniformly effective. Also, the program is continuing its historic practice of having a managing attorney for each of its offices, which may not be practical in the long term. Strategies and structures were discussed and comparisons were made to help address these difficult management issues.

The **Colorado** structure is a hybrid of the other states with a more streamlined senior management team but with a manager in each of its local offices. This structure also appeared to work well, although senior management may be carrying too much of the administrative responsibilities.

The question was also asked, “Do we have the right people?” In all the states, this was a difficult question to ask and to answer. In many situations, the reality is that the right people are not uniformly in place and that political realities may not allow an immediate fix or solution for this problem. While funders in the non-profit world insist that programs increasingly be run as a business, this is particularly challenging in the area of personnel management. Additionally, in unionized programs, some personnel matters are somewhat more difficult to address and remedy because of the procedural protections set forth in collective bargaining agreements.

- **Effectively addressing political issues and reaching necessary but appropriate accommodations** - The directors discussed ways to address the practical difficulties of providing adequate and accessible service to program clients. The directors shared tools such as state support activities, program brochures and fact sheets and websites that could be disseminated and made available to interested citizen groups and strategies to increase community problem solving through partnerships, educating client communities and training clients to help themselves and economic development and other outreach initiatives.

- **Budgeting and resource allocation, including the impact of LSC’s implementation of funding based on the 2000 census figures** - Budgeting and resource allocation was a major focus of discussion among the directors because West Virginia and Colorado were facing significant revenue losses and South Carolina had recently experienced a large loss of funding.

West Virginia was slated to lose money as a result of the reallocation of LSC funds based on the new census figures and a loss of IOLTA revenues; therefore, that program prepared a layoff plan and a plan to replace lost revenues in the future via a state filing fees statute that has now been passed by the state legislature. The directors discussed the lay-off plan extensively and the applications of its basic principles to each state.

Colorado also faced lost revenue through the census data, reduced local United Way funding and significantly reduced IOLTA funding. Colorado has been engaged in developing an expanded fundraising campaign and in increasing the level of pro bono services provided by lawyers in the state.

South Carolina is in the unique position of having not lost any funds as a result of the census or the effect of lower interest rates on the IOLTA program. However, because of lost revenue from former LSC funded programs which did not merge and operational deficits of merging programs, the program did lose in excess of $1.3 million in the first year of its merger. Therefore, South Carolina developed a retrenchment strategy to cure the anticipated 2002 deficit and to regain lost revenues. The strategies included fundraising and the development of marketing and external communications documents.

- **Resource development and fundraising** - The directors shared their various fundraising successes and failures.

West Virginia has entered into an aggressive and very successful statewide fundraising campaign targeted to state bar members. The West Virginia program used the services of MIE Consultant Dennis Dorgan and the three directors discussed the pros and cons of statewide and more targeted local fundraising campaigns.

Colorado has a unique and innovative fundraising initiative in which the director of the state's IOLTA program is also the executive director of the Legal Aid Foundation of Colorado which raises private donated funds and foundation funding for Colorado Legal Services. The Legal Aid Foundation sponsors law firm and other private donor campaigns and other fundraising events around the state to generate funds and friends for Colorado Legal Services. The directors met with the executive director of COLTAF and the Legal Aid Foundation while in Colorado to discuss various fundraising strategies, successes and challenges.

South Carolina is continuing successful fundraising events in the state. These various events are designed to cultivate friends and raise funds as well. One event featured the Broadway play "Phantom of the Opera". The South Carolina program will also present and host the first Equal Justice Conference in the state in November and will present its first annual "Champion for Justice" award. The directors also visited with the director of the South Carolina Bar Foundation to discuss how that organization was able to preserve IOLTA revenue during a downward spiral in interest rates which adversely affected the IOLTA programs in West Virginia and Colorado.

The three directors exchanged fundraising materials, marketing plans and press notices to serve as tools for developing similar or like events in their states.

- **Board effectiveness and Board/Director relationships after the merger** – Board relations have a dramatic effect on the program and the three directors discussed this issue during each of their visits.

Often the boards of directors of newly merged organizations are comprised of members of the boards of the former programs who may have a predisposition to align themselves with staff issues and relationships of the former program to the detriment of the new statewide program. This may play itself out through improper communications and relationships with staff and deleterious hostility to the new program. Board members may establish themselves as "patriarch" or "protector" of the staff of the former programs, especially if there is a perception that the program lost in the merger process. Often this hostility is focused on the new director who may become a target for perceived wrongs if the director was a director of a previous program. Rather than supporting the director, the board may become a supporter of staff against the management of the statewide program. It seems sometimes that members of the board and staff are invested in the statewide or new program's failure rather than its success. This phenomenon is a difficult hurdle to overcome. Managing a statewide program is difficult enough with the full support of the board and staff. It is virtually impossible without it.

The directors discussed the most effective way to create a new board. It was agreed that the new board should be composed of some but probably not a majority of holdovers from the former programs. In **West Virginia** a new board was to be constituted after the business of the merger was completed. The new board members were to be elected statewide and many have had no relationship to any of the old programs. It was noted that the West Virginia and Colorado boards generally have been supportive and helpful in their work with the directors on key post-merger issues and crises.

In **South Carolina** the board appears to present a major challenge. Many of the board members are holdovers and some board members may be engaging in conversations with staff regarding their perceived concerns with program management. The program has obtained the services of management consultants to help the program move through its management challenges.

Goal 4:
To support and expand the vision and implementation of state justice communities.

- **State Planning** - The three directors compared and contrasted each state's equal justice community and systems in the areas of effectiveness, efficiency, possible replication and implementation.

At the time of the directors' meetings, **West Virginia's** statewide justice system was undergoing significant change. After a year of minimal activity, the Legal Services for the Poor Symposium met several times and produced a series of recommendations for the Chief Justice of West Virginia's Supreme Court. The centerpiece of the recommendations is for the formal establishment of an Access to Justice Commission. The recommendations have been presented to the Chief Justice and it is anticipated that he will present them for approval to the full Court in late October 2003 and that an Access to Justice Commission will be formed and implemented.

During the visit, the State Planning Group in Colorado implemented a strategy and met with the Chief Justice of the Colorado Supreme Court who agreed to collaborate with the Colorado Bar Association in creating and supporting (not mandating or ordering) an Access to Justice Commission and local judicial district Access to Justice Committees. The Commission has begun its work, has broken into committees focusing on resource development for the civil justice community, pro bono initiatives, access to the Courts and assistance for pro se litigants and public education. All of these initiatives were shared by the directors and thoroughly discussed during each visit.

South Carolina's access to justice initiatives are their early stages. Strategies, however, include efforts to increase involvement by the judiciary and to develop core stakeholders from the legal and business communities. South Carolina will also create citizen/client advisory councils to create grassroots organization "advising-up; rather than advising-down". Actions included a meeting with the Chief Justice of the Supreme Court of the South Carolina in June 2003, to solicit support and to promote pro se clinics, recruitment of critical stakeholders and support for the Equal Justice Conference to be held in November, 2003.

The directors discussed the benefits and obstacles to state planning and building a state justice community with a single federally funded legal services provider in the state. The directors acknowledged that coordination was less of an issue when they were the only federally funded "game in town". The responsibility of coordinating and supporting the initiative is harder with no other directors of federally funded programs to help share the responsibility and the burden. Nonetheless, the challenges and opportunities presented by the single statewide program were discussed and strategies developed for initiatives and moving state justice communities ahead in each of the three states.